

### **REMARKS/ARGUMENTS**

Applicant has carefully reviewed and considered the Office Action mailed on November 9, 2009, and the references cited therewith.

Claim 40 is amended, claim 41 is canceled, and no claims are added; as a result, claims 1-30 and 40 and 42 are now pending in this application.

#### **Examiner Interview Summary**

Applicant thanks Examiner Severson for participating in a telephone interview on January 20, 2010. During the interview, Applicant and the Examiner discussed proposed claim language amendments to independent claim 40. Applicant also thanks Examiner Severson for identifying in the Office Action mailed November 09, 2009 that dependent claim 41 would be allowable if rewritten in independent form. Applicant discussed with Examiner that claim 40 is amended to include the language of claim 41 such that Applicant believes the present claims are in patentable order.

#### **§103 Rejection of the Claims**

Claims 40 and 42 were rejected under 35 USC § 103(a) as being unpatentable over Rhodes (U.S. Patent No. 5,122,154) in view of Herweck, et al. (U.S. Patent No. 5,197,976) and Lunn (U.S. Patent No. 5,476,506). Applicant respectfully traverses the rejection as follows.

For ease of review, Applicant includes here, a copy of claim 40, as amended from its previous presentation.

40. (Pending) A multi-component bifurcating expandable supportive endoluminal graft comprising:

a plurality of expandable supportive endoluminal components adapted to be individually deployed at a selected location within a body vessel, each said supportive endoluminal graft component being radially compressible for endoluminal insertion and radially expandable for deployment at a desired location within a body vessel;

one of said expandable supportive endoluminal components is a trunk component, said trunk component generally surrounding a trunk liner positioned within said trunk component, said trunk liner having a generally cylindrical body portion and two leg portions, each said leg portion defining a leg opening, wherein the generally cylindrical body portion of said liner and portions of said leg portions abut said trunk component and are secured to said trunk component, and portions of said leg portions not abutting said trunk component abut one another and are secured to one another, and wherein said trunk component includes a second generally cylindrical body portion located on an opposite side of said two leg portions from said generally cylindrical body portion;

at least one other of said expandable supportive endoluminal components is a generally cylindrical supportive leg component; said generally cylindrical supportive leg component and one of said leg portions of said liner, when said leg component and trunk component have been fully deployed within the body vessel, are not connected to and are telescopically slidable with respect to each other; and

said generally cylindrical supportive leg component has a first end portion that, when deployed, is positioned within said leg opening of the trunk liner, and a second end portion external to said one of said leg portions and proximal to the body vessel.

The Office Action dated November 11, 2009, states that claim 41 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims (Office Action, page 4). Therefore, Applicant has amended claim 40 to include the language of claim 41 and recites, in part, "wherein said trunk component includes a second generally cylindrical body portion located on an opposite side of said two leg portions from said generally cylindrical body portion."

As such, the references Rhodes, Herweck and Lunn, either individually or in combination do not describe, teach or suggest each and every element limitation of independent claim 40, as amended. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of independent claim 40 as well as for claim 42, which depends therefrom.

*Allowable Subject Matter*

Applicant thanks the Examiner for the indication that claim 41 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-30 were indicated to be allowable in this reissue application.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's below listed attorney at (612) 236-0132 to facilitate prosecution of this matter.

**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being filed electronically with the U.S. Patent and Trademark Office on this 28 day of

January, 2010.

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